

## UNITED STATES DEPARTMENT OF COMMERCE Pat nt and Trademark Office

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APPLICATION NO. FILING DATE FIRST NAMED INVENTOR ATTORNEY DOCKET NO. 09/176,580 10/21/98 SUNDARAM 801.12-0460

MMC2/0926

PETER S DARDI WESTMAN CHAMPLIN & KELLY SUITE 1600 INTERNATIONAL CENTRE 900 SECOND AVENUE SOUTH MINNEAPOLIS MN 55402-3319

**EXAMINER** 

<u>VERBI</u>TSKY, G **ART UNIT** PAPER NUMBER

2859

**DATE MAILED:** 

09/26/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trad marks

## **Advisory Action**

Application No. **09/176,580** 

Applicant(s)

Sundaram et al.

Examiner

l lei

Gail Verbitsky

Group Art Unit 2859



a) \( \) expires \( \) a months from the mailing date of the final rejection, or on the mailing date of the final rejection, or on the mailing date of the final rejection.  b)   septes either three months from the mailing date of the final rejection.  Any extension of time must be obtained by filing a petition under 37 CFR 1.138(a), the proposed response and the appropriate fee. The calle on which the response, the petition, and the fee have been find in the date of the response and also the date for the purposes of calculated from the date of the response are as to fin in b) above. CFR 1.17 will of the calle of the response are as to fin in b) above. CFR 1.17 will of the calle of the response are as to fin in b) above. CFR 1.17 will of response or as to fin in b) above. CFR 1.17 will of response or as to final high purposes of calculated from the date of the originally set abnoclated adultacy period for response or as to final high purposes.  Applicant's response to the final rejection, filed onSep 13, 2000	ΤĿ	IE PERIOD FOR RESPONSE: [check only a) or b)]
is later. In no event, however, will the statutory period for the response expire later than ask months from the date of the final rejection.  Any extension of time must be obtained by filing a petition under 37 CFR 1.13(a), the proposed response and site to the date for the purposes of each own which the response, the petition, and the fee have been filed is the date of the response and site to the date for the purposes of each own with the response, the petition, and the fee have been filed is the date of the response and site to the purposes of calculated from the date of the originally set shortened statutory period for response or as set forth above, whichever is later). See 37 CFR 1.191(d) and 37 CFR 1.192(a).  Applicant's response to the final rejection, filed onsep_19_2000has been considered with the following effect, but is NOT deemed to place the application in condition for allowance:  Xi The proposed amendment(s):    will be entered because:   Xi they raise new issues that would require further consideration and/or search. (See note below).   they raise new issues that would require further consideration and/or search. (See note below).   they raise new issues that would require further consideration and/or search. (See note below).   they raise new issues that would require further consideration and/or search. (See note below).   they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal.   they present additional claims without cancelling a corresponding number of finally rejected claims.   NOTE:		
date on which the response, the petition, and the fee have been filed is the date of the response and also the date for the purposes of determining the petiod of detains and the corresponding amount of the fee. Any extension tee pursuant of 37 CFR 1.17 will be detailed from the control of the fee. Any extension the pursuant of the control of the fee. Any extension to period for response or set forth above, whichever is later). See 37 CFR 1.191(d) and 37 CFR 1.192(a).  Applicant's Refer is due two months from the date of the Notice of Appeal filed on period for response set forth above, whichever is later). See 37 CFR 1.191(d) and 37 CFR 1.192(a).  Applicant's response to the final rejection, filed on		is later. In no event, however, will the statutory period for the response expire later than six months from the date of the final
period for response set forth above, whichever is later). See 37 CFR 1.191(d) and 37 CFR 1.192(a).  Applicant's response to the final rejection, filed on		date on which the response, the petition, and the fee have been filed is the date of the response and also the date for the purposes of
but is NOT deemed to place the application in condition for allowance:		Appellant's Brief is due two months from the date of the Notice of Appeal filed on (or within any period for response set forth above, whichever is later). See 37 CFR 1.191(d) and 37 CFR 1.192(a).
<ul> <li>will be entered upon filing of a Notice of Appeal and an Appeal Brief.</li> <li>will not be entered because:</li> <li>they raise new issues that would require further consideration and/or search. (See note below).</li> <li>they raise the issue of new matter. (See note below).</li> <li>they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal.</li> <li>they present additional claims without cancelling a corresponding number of finally rejected claims.</li> <li>NOTE: The new limitations added to claim 2 are considered to be new issues since they were not present in the finally rejected claims. Furthermore. it appears that proposed claim 2 still reads on the prior art rejection stated in paragragh 2 of the Final Rejection (Paper No. 6).</li> <li>Applicant's response has overcome the following rejection(s):</li> <li>Newly proposed or amended claims would be allowable if submitted in a separate, timely filed amendment cancelling the non-allowable claims.</li> <li>The affidavit, exhibit or request for reconsideration has been considered but does NOT place the application in condition for allowance because.</li> <li>The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.</li> <li>For purposes of Appeal, the status of the claims is as follows (see attached written explanation, if any).</li> <li>Claims objected to:</li></ul>	Ap bu	oplicant's response to the final rejection, filed on <u>Sep 13, 2000</u> has been considered with the following effect, it is NOT deemed to place the application in condition for allowance:
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